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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,806	08/25/2003	John P. Simons	20140-00263-US1	1310
30678 7	30678 7590 08/19/2005 .		EXAMINER	
CONNOLLY BOVE LODGE & HUTZ LLP SUITE 800			DUDA, KATHLEEN	
1990 M STREET NW WASHINGTON, DC 20036-3425		ART UNIT	PAPER NUMBER	
			1756	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/646,806	SIMONS ET AL.		
Examiner	Art Unit		
Kathleen Duda	1756		
Kathleen Duda	1756		

The MAILING DATE of this communication app	ears on the cover sheet wi	th the correspondence	address		
THE REPLY FILED 02 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.					
1.  The reply was filed after a final rejection, but prior to or of this application, applicant must timely file one of the folked places the application in condition for allowance; (2) a National Request for Continued Examination (RCE) in compliant time periods:	owing replies: (1) an amendn otice of Appeal (with appeal	nent, affidavit, or other ev fee) in compliance with :	vidence, which 37 CFR 41.31; or (3)		
a) The period for reply expiresmonths from the maili	ng date of the final rejection.				
b) The period for reply expires on: (1) the mailing date of this	Advisory Action, or (2) the date	set forth in the final rejectio	n, whichever is later. In		
no event, however, will the statutory period for reply expire					
Examiner Note: If box 1 is checked, check either box (a) o TWO MONTHS OF THE FINAL REJECTION. See MPEP	706.07(f).				
Extensions of time may be obtained under 37 CFR 1.136(a). The dat have been filed is the date for purposes of determining the period of e under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office lat may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	xtension and the corresponding shortened statutory period for retributer than three months after the m	amount of the fee. The appeals originally set in the final	propriate extension fee		
2. The Notice of Appeal was filed on A brief in comfiling the Notice of Appeal (37 CFR 41.37(a)), or any ext a Notice of Appeal has been filed, any reply must be file AMENDMENTS	ension thereof (37 CFR 41.3	7(e)), to avoid dismissal	onths of the date of of the appeal. Since		
3. The proposed amendment(s) filed after a final rejection	but prior to the date of filing	a hrief will not be enter	ed hecause		
(a) They raise new issues that would require further c	onsideration and/or search (	see NOTE below):	Ju because		
(b) They raise the issue of new matter (see NOTE bel		200,,			
<ul> <li>(c) They are not deemed to place the application in be appeal; and/or</li> </ul>	etter form for appeal by mate	rially reducing or simplify	ring the issues for		
(d) They present additional claims without canceling a	corresponding number of fir	nally rejected claims.			
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.					
4. The amendments are not in compliance with 37 CFR 1.		Non-Compliant Amendm	ent (PTOL-324).		
5. Applicant's reply has overcome the following rejection(s					
6. Newly proposed or amended claim(s) would be a non-allowable claim(s).		•	_		
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is proof The status of the claim(s) is (or will be) as follows:	i	)  will be entered and	an explanation of		
Claim(s) allowed: <u>none</u> .					
Claim(s) objected to: <u>none</u> . Claim(s) rejected: <u>20-25</u> .					
Claim(s) rejected: <u>20-23</u> . Claim(s) withdrawn from consideration: <u>none</u> .					
AFFIDAVIT OR OTHER EVIDENCE					
8. The affidavit or other evidence filed after a final action, b because applicant failed to provide a showing of good at was not earlier presented. See 37 CFR 1.116(e).	ut before or on the date of fil nd sufficient reasons why the	ing a Notice of Appeal w e affidavit or other evider	ill <u>not</u> be entered ice is necessary and		
9.  The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar	overcome all rejections unde	er appeal and/or appellar	nt fails to provide a		
10. The affidavit or other evidence is entered. An explanati					
REQUEST FOR RECONSIDERATION/OTHER		•			
11. The request for reconsideration has been considered b	ut does NOT place the appli	cation in condition for all	owance because:		
<ul><li>12. Note the attached Information Disclosure Statement(s).</li><li>13. Other:</li></ul>	(PTO/SB/08 or PTO-1449)	Paper No(s)			
		Kathleen Duda			
		Primary Exami	ner		

U.S. Patent and Trademark Office PTOL-303 (Rev. 4-05) Continuation of 3. NOTE: The independent claim has been amended to recite "feature size of less than about 0.2 microns" which requires further consideration and search and raises the issue of new matter.